

09/20/02

01785 U.S. P.O.

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

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Rosalie A. Centeno
Rosalie A. Centeno, Secretary

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Address to:

Attorney Docket No. NMTech9

Assistant Commissioner of Patents
BOX CPA
Washington, DC 20231

First Named Inventor: Lorenzo Torres

Examiner: Christopher R. Tate

Group/Art Unit: 1651

This is a Request for a ☐ continuation or ☒ divisional application under 37 CFR 1.53(d), divisional of prior U.S. Application No. 09/885,563 filed June 19, 2001, entitled:

METHOD OF PROVIDING AN ESSENTIAL OIL EXTRACT OF CAPSICUM, AND THE EXTRACT

1. ☐ Enter the unentered amendment previously filed on 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. ☐ This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

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| CLAIMS | (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) CALCULATIONS |
|--------|--|------------------|------------------|----------|------------------|
| | TOTAL CLAIMS | 13 - 20 = | 0 | x \$18 = | 0 |
| | INDEPENDENT CLAIMS | 1 - 3 = | 0 | x \$80 = | 0 |
| | MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | \$ = | 0 |
| | BASIC FEE | | | | \$740.00 |
| | Total of above Calculations = | | | | \$740.00 |
| | Reduction by 1/2 for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28). | | | | \$370.00 |
| | TOTAL | | | | \$370.00 |

6. [X] Small Entity status is claimed.

7. [X] It is respectfully requested that, if necessary to effect a timely response in application Serial No. 09/885,563 filed on June 19, 2001, and/or the instant divisional application, this paper be considered as a **Petition for an Extension of Time** sufficient to effect a timely response **at any time during prosecution**. The Commissioner is hereby authorized to credit overpayments or charge the following fees, if not submitted by check, or shortages in any fees to **Deposit Account 02-1653**:

Fees required under 37 CFR 1.16;
Fees required under 37 CFR 1.17;
Fees required under 37 CFR 1.18.

8. [X] A check in the amount of \$370.00 is enclosed (basic filing fee of \$370.00).

9. [X] The power of attorney in the prior application is to:
Robert W. Becker, Reg. No. 26,255 of ROBERT W. BECKER & ASSOCIATES, 707 Hwy 66 East, Suite B, Tijeras, NM 87059.

10. [X] Other: The assignment and declaration for this divisional application remain the same as for the parent application 09/885,563. Copies of the original declaration, the original assignment, and the assignment recordation papers are attached. New Mexico Tech Research Foundation is the Assignee, as originally designated.

Please address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

ROBERT W. BECKER & ASSOCIATES, 707 Hwy 66 East, Suite B, Tijeras, New Mexico 87059 Telephone (505) 286-3511
(Facsimile: (505) 286-3524).

September 20, 2002

Date

Robert W. Becker
Signature of Attorney or Agent of Record

Robert W. Becker

Typed or Printed name